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June 7, 1994

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OFFICE OF SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: *CC Docket No. 92-237, Administration of the North American Numbering Plan*

On behalf of Pacific Bell and Nevada Bell, please find enclosed an original and six copies of their "Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,

Alan F. Ciamporcero
Jag

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Administration of the)
North American Numbering Plan)
_____)

CC Docket No. 92-237

COMMENTS OF PACIFIC BELL AND NEVADA BELL

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SUMMARY

We support the Commission's proposal to move the North American Numbering Plan ("NANP") function from Bellcore to a third party. We believe that ATIS is the appropriate sponsoring agency for the NANP administration. ATIS should also sponsor the Industry Numbering Forum where guidelines for use by the NANP administrator will be prepared, and policy issues will be resolved by the industry. We believe ATIS should have the discretion to develop any necessary policy board or oversight committee. We support a mandatory conciliation process within the forum for issues which cannot be resolved within appropriate time periods.

The Commission should impose a system of charges on the industry to fund NANP administration. These charges should not be voluntary.

We do not support transfer of central office code administration to the new NANP administration at this time because of the complexities of code administration, and due to the local interest in these numbering issues.

We believe that a 6-year transition period for 4-digit CICs is not consistent with the code planning done by the industry. Only 2,000 codes have been earmarked for use during the transition period, and therefore the supply may exhaust before the end of the transition period.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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Administration of the) CC Docket No. 92-237
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_____)

COMMENTS OF PACIFIC BELL AND NEVADA BELL

Pacific Bell and Nevada Bell provide the following comments to the Commission's Notice of Proposed Rulemaking on phases one and two of this docket.

I. PHASE ONE

A. New NANP Structure

The Commission tentatively has concluded that the new administrative functions of the North American Numbering Plan ("NANP") would best be performed by a single, non-government entity established by the Commission.¹ The Commission reaches that tentative conclusion in order to place NANP administration with an entity not "closely identified with any particular industry segment, yet also accountable to regulators and responsive to the needs of the industry."² We agree that a

¹ Para. 18. (Unless otherwise noted, all references are to Administration of the North American Numbering Plan, CC Docket No. 92-237, Notice of Proposed Rulemaking, released April 4, 1994.)

² Para. 16.

third party should take on the ministerial duties of the NANP. However, we do not believe that the Commission should itself contract with or have direct oversight over the new numbering administrator.

In the Notice of Proposed Rulemaking, the Commission considers various other alternatives, including the Alliance for Telecommunications Industry Solutions ("ATIS") as a possible administrator.³ The Commission recognizes that ATIS used to be closely identified with the LEC industry, but that ATIS has recently expanded its governing board to include many entities, not just LECs. In fact, ATIS now has opened its membership to all domestic providers of telecommunications services with a plant investment in transport and/or switching equipment. Because of ATIS' substantial change in focus, the Commission seeks comment on whether ATIS or some component of ATIS could handle future NANP administration subject to Commission oversight.⁴

We believe that ATIS is an appropriate entity to sponsor NANP administration. We envision that ATIS would be involved in numbering and number administration in various ways. ATIS could contract with and sponsor the independent third party administrator, and could act as sponsor of an Industry Numbering Forum. In addition, ATIS could convene an industry workshop to resolve many of the issues raised by the Commission, at the direction of the Commission. ATIS could choose to work through

³ Para. 15.

⁴ Para. 15.

the current Industry Numbering Committee, or it could reconvene the Future of Numbering Forum ("FNF") which was addressing many of the issues raised in the NPRM.

ATIS currently has a structure which includes the ability to set and coordinate industry standards, and has considerable knowledge of numbering issues through various committees and forums that it sponsors. And, ATIS has substantial expertise in coordinating numbering issues, and other issues, with international standards organizations such as the International Telecommunications Union (formerly CCITT). International stakeholders such as the Canadian Steering Committee on Numbering, Industry Canada and regulators from other World Zone 1 countries participate in ATIS-sponsored organizations, such as Committee T-1, the Carrier Liaison Committee and ICCF.

By establishing the new NANP administrator under the auspices of ATIS, the other countries in World Zone 1 affected by the allocation of numbering resources will be dealing with a group that is familiar, that has the requisite expertise, and is not tied directly to the U.S. government.

ATIS could also be the sponsoring entity of an Industry Numbering Forum. The Commission has recognized the activity and success of many industry forums. ATIS also sponsors the Carrier Liaison Committee, which in turn sponsors ICCF and Industry Numbering Committee. We believe that an industry numbering forum is necessary to create policy and resolve issues, and should be patterned after the existing

Industry Numbering Committee of ICCF. The membership or participation in the Industry Numbering Forum would be open to any interested party, whether or not that entity is represented on the ATIS Board of Directors. The role of ATIS in sponsoring the Industry Numbering Forum would be similar to its role in sponsoring various other industry groups.

Dispute resolution continues to be an overriding concern of many parties. The Commission has recognized that the existing system of forums with reliance on consensus may unreasonably delay decisions or make decisions difficult to arrive at.⁵ The Commission therefore seeks comment on whether it should establish a new policy board to assist the regulators in developing and coordinating numbering policy. The Commission seeks comment on how such a board would be composed and how it would be funded and staffed.⁶

While we do not have conceptual disagreement with such a board, we are not convinced that creation of such a board will truly add value to the numbering policy process. Deciding who would serve on such a board will be extremely difficult, as parties, even in the same class of carriers, have divergent interests. Therefore, from the outset, a "policy board" that has closed membership may not have the trust of the industry as being fairly representative. We believe that the Commission should allow ATIS the flexibility to develop the principles, structure and powers of a "policy board" or oversight committee

⁵ Para. 24.

⁶ Para. 25.

to act as an intermediary between the NANP administration and the industry forums, and to ensure fair treatment of all industry participants.

Many issues which cannot be resolved through the forum process, due to the importance of the issues, will need Commission involvement. Sending a deadlocked issue to another industry group (i.e. the board) may simply result in another deadlock. Active Commission involvement may be the best resolution. And, as the Commission correctly notes, even with a board or oversight committee, parties continue to have the right to seek intervention from regulators at any time.⁷

This is not to say that some form of dispute resolution shouldn't be used. At the Future of Numbering Forum ("FNF"), parties began work on a conciliation (mediation) process to be used within the Industry Numbering Forum. This process would apply when resolution of an issue could not be obtained by the target date. An independent mediator would be brought into the forum process to facilitate consensus. We support the introduction of this "conciliation" process into the forum process to make it more efficient. We suggest that ATIS can use the industry-sponsored FNF work to begin its discussion of dispute resolution alternatives.

⁷ See, Para. 25.

B. Central Office Code Administration

The Commission has also asked for comment on its tentative conclusion that the new NANP organization should take on the central office ("CO") code administration.⁸ Currently, central office codes are assigned by the predominant LEC within the state pursuant to agreed upon national central office code assignment guidelines. We do not support transfer of central office code administration to the new NANPA at this time for the following reasons.

First, area code splits or overlays, and assignments of NXX codes to state certified carriers, are state issues in which the Public Utilities Commission and the state legislature exercise authority. Second, code administration is closely allied with and dependent on the particularities of the local network. For example, to mitigate customer confusion we ensure, as local code administrator, that the same NXX is not assigned in adjacent NPAs that are within the same local calling area. This requires the administrator to closely examine the geographic boundaries of any NXX assignment to determine possible conflicts, and to plan around them. This level of detail would be quite difficult to do at the national level. Third, the transition from the current NANP to a third party NANP would be unduly complicated by including CO code administration, which is not a current NANP responsibility (except for the 809 NPA in the Caribbean). Moving CO code

⁸ Para. 29.

administration to a national organization will enormously increase the workload of the NANP. Adding this degree of complexity to a new administrator would unnecessarily complicate the transition.

We have stated to our local regulator our willingness to transfer CO code administration to a third party based upon a plan developed by California stakeholders. If the national administrator could prove its capability to administer CO codes for California, and it was supported by California stakeholders, Pacific Bell could support the transfer of CO code administration to the national administrator of the NANP at some time in the future.

C. Funding for NANP Administration

The Commission has asked for comment on how NANP administration will be funded. It asks whether application and regulatory fees are appropriate, whether voluntary contributions could be used, and how the charges for numbering resources should be allocated.⁹ We believe that no additional regulatory fees are necessary under the proposal outlined by Pacific above. The Commission will not be taking on any additional responsibilities, but will continue to serve as ultimate policy decisionmaker for numbering issues. ATIS will be handling the additional work effort needed to contract with the third party NANP administrator and industry forum as necessary. The

⁹ Para. 30 et. seq.

Commission will not be engaged in direct oversight of the new NANPA. The Commission will not be contracting with the new NANPA, and thus will not incur any additional expenses in connection with NANPA activities.

We believe that it is appropriate to charge user fees for the costs of administering the NANP and for the administration of the forum structure.¹⁰ Because numbers are a national resource, we don't believe that market-driven charges are appropriate in connection with receiving individual numbering resources from the NANP administrator. We believe that the new NANP administrator will have, as one of its responsibilities, a fair accounting for its costs and those costs should be passed on to users of numbering resources.

We agree with the Commission that it should establish "a system of charges payable directly to the new NANP administrator by those who directly benefit from operation of the NANP subject to appropriate oversight."¹¹ We believe that consistency in assessing and collecting these charges is essential. The Commission should set guidelines (as it does for Telecommunications Relay Service, for example) for proper administration. There is benefit to the industry in taking a consistent approach to administering the various fund mechanisms in use at any time. Therefore, it may be useful for NECA to perform this function.

¹⁰ Of course, costs for individual participation in the forum structure will be borne by each entity.

¹¹ Para. 38.

The Commission should not impose a "voluntary funding mechanism"¹² as that may not adequately fund the new entity, and does not ensure a fair allocation of cost.

D. Other Issues

The Commission has put out for public comment the suggestion by Ad Hoc that the digit "1" be used only as a toll call identifier. Ad Hoc claims that it will relieve substantial customer confusion as well as serve to stimulate competition.

California currently has 13 NPAs, and over 19 million customers within those areas. In California, Pacific Bell and the other California LECs are in the process of completing a statewide uniform dialing plan, which utilizes the dialing plan recommended by the current NANP administrator. That dialing plan includes "1" not as the toll indicator but a routing indicator for a call needing to go to a foreign NPA. The reason we went to this method of dialing was to accommodate the 640 new codes that will be available when interchangeable NPAs go into effect. Without using "1" as the dialing prefix, the switch cannot recognize whether the digits it receives are going to be for a local (7 digit) call or a call going to another NPA (10 digit).

In order to use "1" as the toll indicator, we would have to institute a 4 second time delay for all calls where a prefix (NXX) could also be an NPA. Over time, this will include

¹² Para. 35.

almost all prefixes. Adding additional access time to every call is not in the public interest.¹³

In the future, the concept of "toll" calling may be quite different than it is today. Number portability will free customers from geographic dependency. A customer calling someone with a "portable" number will be unable to determine whether the call is local or "toll." And, competitors may define "toll" differently, so that the free local calling range may not be standard. Thus, teaching customers to use "1" as a toll indicator is not in line with the expected future direction of the network.

For all of these reasons, we do not believe there is any necessity for a nationwide dialing plan to be mandated by the Commission.

II. PHASE TWO

The Commission has tentatively decided that Feature Group D CICs should be expanded to 4 digits. The Commission has suggested a 6-year transition period in which end users can dial either the old format of 10XXX or the new 101XXXX for access to their preferred carrier. Such a long transition period could have adverse consequences. When planning for the migration to 4-digit CICs, the industry did not assign certain 3-digit CICs (15X and 16X) in order to prevent code conflict with the new CICs (i.e., the switch unable to distinguish between two

¹³ See, for example, Provision of Access for 800 Service, 6 FCC Rcd. 5421 (1991).

codes).¹⁴ Reserving these 3-digit CICs allows 4-digit CICs in the 5XXX and 6XXX ranges to be assigned. Once those 2,000 CICs are assigned, the transition period must end in order to prevent code conflict. With the unknown rate of future CIC assignments, (they have fluctuated a great deal in recent years), these 2,000 CICs may not be adequate to last 6 years. Therefore we continue to believe that a shorter transition period is necessary. The 18 months suggested by the current NANP administrator would accommodate the need to educate customers, and is, in fact, 6 months longer than the transition period normally used for other dialing changes (e.g., area code changes).

III. CONCLUSION

In order to effect the most efficient, non disruptive change to NANP administration, we suggest that ATIS be the sponsoring organization to contract with a third party for ministerial NANP administration, and the sponsor of the Industry Numbering Forum and any necessary policy board or oversight committee. We believe that the new NANP administrator should be funded by U.S. and international users of numbering resources. We do not believe any additional regulatory fees are appropriate.

¹⁴ When the switch receives digits 10XXX or 101XXXX, it drops the first 2 digits ("1-0") and examines the remaining digits to determine the appropriate carrier. By not assigning 3-digit CICs in the form 15X and 16X, the switch can adequately recognize a 4-digit CIC in the form 101-5XXX and 101-6XXX.

We strongly urge the Commission to reject the notion that "1" should be used nationwide as a toll indicator, to allow individual state regulatory agencies the discretion to formulate appropriate dialing plans. And, we urge that central office code administration not be moved to a national entity because of the necessity of keeping code administration closely allied with the local network. We have no objection, however, to transferring the code administration out of the predominant LEC, and to a third party in the locality.

Respectfully submitted,

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